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GAIN Capital Group, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TIBCO SOFTWARE INC.

Plaintiff,

vs.

GAIN CAPITAL GROUP, LLC; and Does 1
to 10 inclusive,

Defendants.

CASE NO. 5:17-CV-03313-EJD

**STIPULATION AND [PROPOSED]
ORDER FOR DISMISSAL WITH
PREJUDICE**

1 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES, THROUGH
2 THEIR ATTORNEYS OF RECORD:

3 Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiff TIBCO
4 Software Inc. ("TIBCO") and Defendant GAIN Capital, LLC ("GAIN") hereby stipulate that this
5 action, all claims that TIBCO asserted against GAIN in this action, and all counterclaims that
6 GAIN asserted against TIBCO in this action shall be dismissed with prejudice. Each party shall
7 bear its own costs and fees.

8 IT IS SO STIPULATED, through Counsel of Record.

9
10 DATED: December 4, 2018

MCGUIREWOODS LLP

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12 By: /s/Jamie D. Wells

Jamie D. Wells

Attorneys for Plaintiff

TIBCO Software Inc.

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16 DATED: December 4, 2018

WILMER CUTLER PICKERING HALE AND DORR
LLP

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18 By: /s/ Christopher T. Casamassima

Christopher T. Casamassima

Attorneys for Defendant

GAIN Capital Group, LLC

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22 I attest that all signatories listed above, and on whose behalf this Stipulation is submitted,
23 have concurred in and authorized the filing of the Stipulation.

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25 /s/ Jamie D. Wells

Jamie D. Wells

[PROPOSED] ORDER

After reviewing the parties' Stipulation for Dismissal pursuant to 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, and finding good cause presented, the Court hereby GRANTS the parties' stipulation and DISMISSES the entire action, including all claims and counterclaims asserted, WITH PREJUDICE. Each party shall bear its own costs and fees.

IT IS SO ORDERED.

Dated: _____

Edward J. Davila
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2018, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and service via transmittal of a Notice of Electronic Filing.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 4, 2018, at San Francisco, California.

/s/ Jamie D. Wells

Jamie D. Wells